

Members

Sen. Sue Landske, Chairperson
Sen. Connie Lawson
Sen. Timothy Lanane
Sen. Karen Tallian
Rep. Russ Stilwell
Rep. Phil GiaQuinta
Rep. Kathy Richardson
Rep. Robert Behning



CENSUS DATA ADVISORY COMMITTEE

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Authority: IC 2-5-19

MEETING MINUTES¹

Meeting Date: September 29, 2009
Meeting Time: 10:00 A.M.
Meeting Place: State House, 200 W. Washington St., Room 233
Meeting City: Indianapolis, Indiana
Meeting Number: 1

Members Present: Sen. Sue Landske, Chairperson; Sen. Connie Lawson; Sen. Timothy Lanane; Rep. Russ Stilwell; Rep. Phil GiaQuinta; Rep. Kathy Richardson; Rep. Robert Behning.

Members Absent: Sen. Karen Tallian.

The Chair, Senator Landske, called the meeting to order at approximately 10:05 a.m. Committee members present introduced themselves.

The Chair asked staff to review the Committee's statute and the charge for the 2009 Interim. Staff briefly reviewed the statute establishing the Committee² and the additional topics the Legislative Council directed the Committee to study this Interim.³

1. Exhibits and other materials referenced in these minutes can be obtained electronically by requesting copies at licrequests@iga.in.gov Hard copies can be obtained in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for hard copies may be mailed to the Legislative Information Center, Legislative Services Agency, West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for hard copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.in.gov/legislative/> No fee is charged for viewing, downloading, or printing minutes from the Internet.

2. See: <http://www.in.gov/legislative/ic/code/title2/ar5/ch19.pdf> Specifically, the reader should review IC 2-5-19-19.

3. "Legislative redistricting" and "Use of electronic security protocols in vote centers". See: LEGISLATIVE COUNCIL RESOLUTION 09-01 (As Adopted July 27, 2009), SECTION 3.2. at: <http://www.in.gov/legislative/publications/LCR%2009-01-new%20interim%20study%20committees%20AS%20ADOPTED.pdf>

Senator Mike Delph

The Chair recognized Senator Mike Delph to explain his proposal for establishment of a redistricting commission. Senator Delph discussed his proposal. There was discussion among committee members and Senator Delph about how to define a "community of interest".

Mr. Justin Levitt

The Chair recognized Julia Vaughn, representing Common Cause of Indiana, to introduce Justin Levitt, Counsel, Democracy Program, Brennan Center for Justice.

After Ms. Vaughn's introduction, the Chair recognized Mr. Levitt.⁴ Mr. Levitt stated that the redistricting process should not protect the interests of legislators but the interests of their constituents. He discussed the concept of "communities of interest" and said that the notions of contiguity, compactness, and respect of other political boundaries serve as some of the tools to preserve communities of interest in redistricting. He said if the redistricting process includes adequate constituent input, the citizens will inform the map drawers where the communities of interest are located. Mr. Levitt used the maps of some Indiana House districts to illustrate the points of his discussion.

Mr. Levitt explained that there are generally four different mechanisms used in this country to draw legislative maps: the state legislatures themselves, advisory commissions,⁵ independent commissions, and "politician commissions".⁶ In response to questions from Representative Stilwell and Committee discussion, Mr. Levitt said that use of political data can serve a legitimate function in redistricting to check compliance with the Voting Rights Act.

During his presentation, Mr. Levitt emphasized that the following four principles should animate legislation that establishes the mechanism for drawing legislative and congressional districts:

- (1) The entity charged with drawing districts should have meaningful independence from political pressures.
- (2) The entity should be meaningfully diverse, politically, geographically, and demographically.
- (3) The legislation should give meaningful guidance to the entity for drawing district lines.
- (4) The redistricting process should be meaningfully transparent.

4. Mr. Levitt distributed written remarks to supplement his presentation. Those remarks are Exhibit #1 to these Minutes. During his presentation, Mr. Levitt also referred to the Brennan Center's "A Citizen's Guide to Redistricting" which may be accessed at the following location:
http://brennan.3cdn.net/58180b7e66ce3d66bb_5sm6bvr97.pdf

5. These are bodies that provide legislatures with provisional maps that form the basis for ultimate legislative determinations for new legislative districts.

6. These are bodies distinct from the legislature but on which elected officials may serve as members.

In response to questions from Senator Lawson, Mr. Levitt stated that there are no conclusive data to indicate that the use of independent redistricting commissions makes elections to legislative bodies more competitive overall. He noted that only two states -- Arizona and Washington -- explicitly require that the redistricting process results in competitive districts overall. Senator Lawson observed that different circumstances can drive whether districts are competitive: districts can be competitive in a general election but not a primary and *vice versa*. The political homogeneity of a particular geographic area may make it difficult to draw competitive districts for that area.

Representative Behning wondered whether the general public was truly interested in the redistricting process and asked whether any studies indicated that voter participation was greater in states that had independent redistricting procedures. Mr. Levitt said that it is hard to tease the effect of the redistricting process from other factors that affect voter turnout. He said that currently the only evidence that may indicate how the process of redistricting affects turnout is the level of citizen participation in the redistricting process.

In response to Senator Lanane's question regarding how one decides how to rank in order of importance the factors that a good redistricting process should satisfy, Mr. Levitt said that he did not think there is a best system in the country; rather, he said the most important goal is to have decision makers that are trusted to implement whatever standards a particular redistricting process requires.

In response to Senator Landske's question as to whether the redistricting plan adopted by a state with a redistricting commission had been subject to legal challenge, Mr. Levitt said he believed that a plan in Arizona had been challenged.

Mr. Peter Wattson

The Chair recognized Mr. Peter Wattson, Senate Counsel, Secretary of the Senate (Legislative), State of Minnesota. Mr. Wattson presented his remarks using a Power Point presentation.⁷ During the portion of Mr. Wattson's presentation concerning nesting of legislative districts, Representative Richardson asked how in Minnesota it is decided which chamber's plan becomes the basis for the nested districts: *i.e.*, does the Minnesota House of Representatives draw its districts from which the Minnesota Senate forms its districts by combining House districts or does the Minnesota Senate draw its districts which the Minnesota House carves up its House districts. Mr. Wattson responded that each

7. A copy of the slides of Mr. Wattson's presentation is Exhibit #2 to these Minutes. Mr. Wattson also gave to the Committee several other information items, some of which he referred to in his presentation, others which were supplemental. These items are the following: Exhibit #3: a map titled "Congressional Reapportionment 2010"; Exhibit #4: a map titled "Legislative Redistricting Commissions 2009"; Exhibit #5: a table titled "Appendix C, Redistricting Commissions: Legislative Plans"; Exhibit #6: a table titled "Appendix D, Redistricting Commissions: Congressional Plans"; Exhibit #7: a copy of a "Bill Summary" from the State of Minnesota, titled "S.F. No. 182 - Redistricting Commission"; Exhibit #8: a table titled "Redistricting Plan Success Rates"; Exhibit #9: an excerpt from THE LEGISLATIVE LAWYER, "A Nonpartisan Approach to Redistricting", Volume XVI, Issue 1, Winter 2002 (Ed Cook, NCSL); Exhibit #10: a copy of the text of Senate Resolution 50 from the State of Iowa relating to redistricting in Iowa; Exhibit #11: a table titled "Table 8. Districting Principles for 2000s Plans (in addition to population equality); Exhibit #12: a monograph titled "How to Draw Redistricting Plans That Will Stand Up in Court," Peter S. Wattson, Senate Counsel, State of Minnesota, August 11, 2009; Exhibit #13, Limits on Gerrymanders 2009.

chamber produces a plan and then the House and the Senate work together to combine the plans in a way that satisfies both chambers. In response to Representative Behning's question asking what the advantages of having nested districts are, Mr. Wattson said that nesting makes it easier for constituents to understand how they are represented and it makes relationships between the chambers work better.

The Chair recognized Morton Marcus. Mr. Marcus introduced himself and argued for a change in the manner that Indiana legislative districts are drawn. During his discussion, Mr. Marcus said that the most recent data indicate that 26 members of the House of Representatives were elected without competition, 11 members were elected with more than 75% of the vote and only 11 members were elected from "competitive"⁸ districts. Mr. Marcus asserted that the current system for drawing legislative districts does not inspire the confidence of Hoosiers in their legislative bodies.

The Chair announced the Committee would meet again on October 20 at 10:00 a.m.

The Chair adjourned the meeting at approximately 11:55 a.m.

8. Mr. Marcus defined a "competitive" district as a district from which the winner was elected with not more than 55% of the vote.